

REMARKS

Claims 41-44 and 46-49 were found to be allowable. (Paper No. 20090422, Office Action Summary). Claim 45 was objected to as being a duplicate of claim 43 (*Id.* at 5).

Claims 1-5, 7-9, 11-16, 22, 29, and 30 have been cancelled, without prejudice. Entry of the amendment is respectfully requested.

Claim 45

Claim 45 was objected to "as being a substantial duplicate of claim 43." (*Id.*) The Examiner asserted that "SEQ ID NO: 89 (recited by claim 43) is identical to SEQ ID NO: 425 (recited by claim 45)." (*Id.*) The Examiner concluded that "there are no embodiments within the scope of either claim 43 or 45 which are not encompassed by another." (*Id.*)

As explained during the Examiner Interview, SEQ ID NO: 89 is not identical to SEQ ID NO: 425. Although these two sequences share the same CDRs, they differ in the frame work region. Specifically, the third amino acid residues of the two sequences are different. SEQ ID NO: 89 recites "Gln Val **Gln**...", whereas SEQ ID NO: 425 recites "Gln Val **Glu**..." Therefore, the two sequences are not identical. As such, claim 45 and claim 43 are not identical in scope. Accordingly, it is respectfully submitted that the objection with respect to claim 45 should be withdrawn.

Claims 1-5, 7-9, 11-16, 22, 29, and 30

Claims 1-5, 7-9, 11-16, 22, 29, and 30 were objected to, and rejected under 35 U.S.C. 112, first paragraph, for failure to comply with the written description and enablement requirements. (Paper No. 20090422 at 5-14). With a view towards furthering prosecution, these claims have been cancelled, without prejudice. Therefore, the objections and rejections with respect to these claims have been rendered moot and should be withdrawn.

Information Disclosure Statement

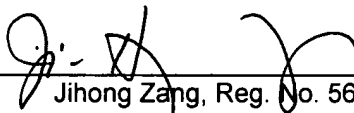
We thank the Examiner for the signed and initialed copy of the IDS paper filed on January 21, 2009. In the Office Action, the Examiner indicated that one of the documents listed in the IDS was crossed out "because it was not furnished in English and there was no statement of the relevance of the reference in compliance with the requirement of 37 CFR 1.98(a)(3)." (Paper No. 20090422 at 3-4). The Examiner acknowledged that "applicants have stated they have provided a concise explanation of the relevance of the document." (*Id.* at 4). The Examiner, however, was unable to find such explanation.

The document listed in the IDS and crossed out by the Examiner is a Japanese patent application, JP-HEI 03/502455, which was published on June 6, 1991. As explained by the undersigned during the Examiner Interview, an English translation of the abstract of the document was submitted along with a copy of the document. The abstract may have been lost by the Office. As the Examiner suggested during the Interview, the translation is now being resubmitted concurrently with this Response

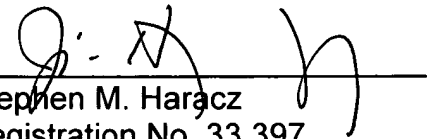
(attached hereto as Exhibit 2). For the sake of convenience, a copy of the Japanese application (attached hereto as Exhibit 1) is being resubmitted as well. In accordance with MPEP §609.04(a)(III), this English language version of the abstract fulfills the requirement of a concise explanation of the relevance of the document. Consideration of the document is respectfully requested. The Examiner is also requested to initial and return a copy of the accompanying form PTO/SB/08 (attached hereto as Exhibit 3) to evidence such consideration of the document.

For the reasons set forth above, entry of the amendments, consideration of the document submitted, and allowance of the claims are respectfully requested. If the Examiner has any questions regarding this paper, please contact the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 28, 2009.


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Respectfully submitted,

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